**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE SIDE**

**WRIT PETITION NO. 5687 OF 2007**

H.M. Bhagwat & ors..... Petitioner

versus

Life Insurance Corporation
of India and anr. ..... Respondent.

Shri Jayesh Bhatt for the petitioner
Sshri V.Y. Sanglikar for respondent no.1.

**CORAM; A.P. DESHPANDE, J.**
**DATED; 07TH AUGUST, 2007**

**P.C.;**

1. An order passed by the Estate Officer, whereby the petitioner's prayer for production of minutes of the meeting and other documents by the respondent is rejected and the petitioners are directed to lead evidence before the respondent. The case of the respondent no.1 is that the suit premises were initially let out to one Mr.Bhagwat, the petitioner no.1, whose tenancy came to be terminated in the year 1999. As per the respondent, the suit premises are presently being used by the petitioner nos.2 to 4 and the petitioner no.1 has settled at Pune. On being primafacie satisfied that the petitioners are in unauthorised occupation of the premises, a show cause notice came to be issued by the Estate Officer under

the provisions of the Public Premises (eviction and unauthorised occupation) Act wherein the petitioner moved an application and rejection of which has given raise to the filing of the present writ petition.

2. It is not the case of the petitioner that their occupation has been regularised and they are treated as tenants. No doubt, it does appear from record that, for regularising the petitioner's occupation some meeting was held but no concrete decision has been taken, conferring any status on the petitioners, authorising the use and occupation by the petitioners. Even according to the petitioner, no final decision was reached and henceno useful purpose would be served by directing production of the minutes of the meeting and other documents on record. The finding recorded by the Estate Officer does not require any interference. The provisions of procedural law are not applicable to the summary proceedings under the Public Premises Act. Similar orders passed by the Estate Officer, directing the occupants to lead evidence first in point of time has been assailed in various writ petitions. A Division Bench of this court has held that action of the Estate Officer in so directing the occupants cannot be faulted. Reference is made to an order passed in W.P. 2512/02 with other

connected petitions dated 25th June 2002 ( Coram C.K.Thakker, C.J. and Smt.R.P.Desai,J.).

2. Perused the impugned order. The same does not suffer from any patent illegality warranting any interference in writ jurisdiction. Writ Petition is summarily rejected.

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